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9-53(d)
PATENT

DOCKET NO.: CELG-0085



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

**CONTINUED PROSECUTION
APPLICATION Relating to the
Application of:**
Atul M. Mehta et al.

Serial No.: 09/038,470

Group Art Unit: 1615

Filing Date: March 11, 1998

Examiner: W. Benston Jr.

**For: Improved Delivery of Multiple
Doses of Medications**

EXPRESS MAIL INFORMATION

EXPRESS MAIL LABEL NO: EL531276790US

DATE OF DEPOSIT: May 15, 2000

Box CPA
Assistant Commissioner for Patents
Washington DC 20231

Sir:

**CONTINUED PROSECUTION APPLICATION REQUEST
AND REQUEST FOR EXTENSION OF TIME**

This is a request for filing a Continued Prosecution Patent Application based upon the above-referenced, pending patent application. It is requested that the file jacket and contents of the above-referenced, prior application including the specification, drawings, and oath or declaration, be used to constitute the new application and that the same serial number be assigned thereto for identification purposes.

- It is requested that the above-referenced application be expressly abandoned after this application is deemed to be completely on file and after granting any necessary extensions of time.
- The above-referenced application is not a provisional application.

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01 FC:231
02 FC:202

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39.00 OP

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PATENT

- The above-referenced application is complete and was filed either as an originating United States application or as the national stage of a PCT application in compliance with 35 U.S.C. 371.
- The above-referenced application has not been abandoned and proceedings have not been terminated therein. No issue fee has been paid in that application.
- The inventors of this application are:
 - The same as those named in the above-referenced application on the date of the filing of this application;
 - Fewer than all of the inventors named in the above-referenced application on the date of the filing of this application. This paper is accompanied by a statement requesting deletion of the name or names of the person or persons who are not inventors of the invention being claimed in this application.
- Enter in this application the amendment previously filed on _____, but not yet entered in the above-referenced application.
- A preliminary amendment accompanies this application. This amendment is in the form of an amendment to the prior application as it existed on the date of the filing of this application. NO NEW MATTER is being added by way of this amendment.

Also enclosed are the following:

- Information Disclosure Statement.
 - PTO Form 1449.
 - A copy of each of the references listed on the attached Form PTO-1449.
- An Associate Power of Attorney.
- An Executed Copy of Earlier Statement Claiming Small Entity Status under 37 C.F.R. 1.9 and 1.27
 - is enclosed.
 - has been filed in prior application Serial No. 09/038,470 filed March 11, 1998, said status is still proper and desired in present case.

Return Receipt Postcard (should be specifically itemized).

FEE CALCULATION

NUMBERS OF CLAIMS ARE CALCULATED AFTER ENTRY OF ANY AMENDMENT AND IN VIEW OF ALL AMENDMENTS IN PRIOR APPLICATION	No. Filed	No. Extra	SMALL ENTITY		NOT SMALL ENTITY	
			RATE	Fee	Rate	Fee
		BASIC FEE		\$345		\$690
<input checked="" type="checkbox"/> TOTAL CLAIMS	12- 20 = (minimum)	0	\$9 EACH	\$	\$18 EACH	\$
<input checked="" type="checkbox"/> INDEP. CLAIMS	4- 3 = (minimum)	1	\$39 EACH	\$39	\$78 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			\$130	\$	\$260	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME			\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME			\$190	\$	\$380	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME			\$435	\$	\$870	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME			\$680	\$	\$1360	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME			\$925	\$	\$1850	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID			minus	(\$)	minus	(\$)
TOTAL FEE DUE				\$384		\$

A Check is enclosed in the amount of \$ 384.

Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).

The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit

account 23-3050. This sheet is provided in duplicate.

- The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
 - The foregoing amount due for filing this application.
 - Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
 - Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).
 - The issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance.
- The Power of Attorney appears in the prior application.
- A new Power of Attorney is enclosed.
- Address all Correspondence as follows:

Michael P. Straher, Esq.
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SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: May 15, 2000


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Registration No. 38,325

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